IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 959 OF 2005

Smt. Sucheta Tukaram Nikam .... Petitioner

versus

The Director
Shri Mouni Vidyapeeth, Gargoti..... Respondent.

Shri A.B.Borkar for the petitioner
Shri N.V.Bandiwadekar for the respondents 1 and 2.
Shri S.K.Chincholikar AGP for State

CORAM; A.P. DESHPANDE, J.
DATED; 20TH APRIL, 2007

P.C.;

1. The petitioner was appointed as a lecturer in Junior college to teach Marathi subject, initially in the year 1992 and the appointment was made on clock hour basis. It is obvious that when enough workload is not available and only few hours of work is capable of being provided, appointment for clock hour basis are made and such appointees cannot assume the status of regular full time appointee. The petitioner was continued temporarily on clock hour basis from the year 1992 to 1994. From 1994 the petitioner has worked as part time lecturer. The appointment orders issued each year, in which the petitioner has worked, clearly makes a mention of the petitioner's status either as a clock hour employee or part time employee. After termination of the petitioner's service on

account of non availability of work in the year 1997 the petitioner filed an appeal before the School tribunal. During pendency of the appeal, the work available for Marathi subject had further decreased and a categorical finding has been recorded by the tribunal that work is available only for one teacher and the senior most teacher is continued in service. In this factual position, a further finding is reached that the petitioner who has worked on clock hour basis or part timer that too temporarily, cannot claim status of permanent employee. On this reason the appeal has been dismissed.

2. Perused the judgment and order passed by the tribunal. The same does not call for any interference. Petition is thus summarily dismissed.

...